IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1167 OF 2006

Prakash Pralhad Babar ....Petitioner.

V/s

...Respondent.

State of Maharashtra

Mr. Sudeep Pasbola for the petitioner.
Mr. R.Y. Mirza, APP for the State.

CORAM: V.M. KANADE, J.
DATE: 29th March, 2006

P.C.:

1. Heard the learned Counsel for the petitioner and the learned APP for the State.

2. The petitioner was arrested on 15/2/2006 in connection with C.R. No. 35 of 2005 registered with the Anti Corruption Bureau, Mumbai for the offence punishable under sections 467, 468, 471 read with section 120B of the Indian Penal Code.

3. A raid was conducted by the Anti-corruption Bureau at the Octroi Check Post, Mumbai and 20 persons were arrested. The prosecution case is that the petitioner alongwith others had prepared forged documents and had aided in evasion of octroi duty. It is alleged that the fabricated octroi forms were supplied by the Clearing Agents. It is submitted that all other

accused are released on bail. It is further submitted that the petitioner has paid liability and the difference in octroi charges alongwith penalty and fine to the tune of Rs 2,03,379/- to the B.M.C. and pursuant to the payment of the said amount the Octroi Department has released two motor vehicles which were seized in the alleged evasion of octroi duty. It is the case of the petitioner that the fabrication or forgery was caused by the Clearing Agents and not by him.

4. Since all the documents have been seized and the case, essentially, is based on documentary evidence, it is not necessary to detain the petitioner any further. Apart from that, it is an admitted position that the petitioner had met with an accident some time before his arrest and has been suffering from various ailments. The petitioner, therefore, be released on bail in the sum of Rs 10,000/- with one or two sureties in the like amount. The petitioner shall report to the Anti-corruption Bureau as and when he is called.

5. Application is accordingly disposed of.

V.M. KANADE, J.